IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

SB CIVIL MISC. APPEAL NO.116/2006
Shyam Lal Saini
V/s
Suresh Kumar & Ors.

Date of order : : 26.10.2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Vinay Mathur, for the appellant.

This is an appeal on behalf of the injured appellant for enhancement of compensation against the award dated 28.9.2005 in MAC case No.95/2000 passed by the MACT, Neem Ka Thana, Sikar.

The facts, in brief, of the case are that on 18.12.1999 the appellant along with his wife was going from Neemadi Wale Tibare towards Neem Ka Thana by Bus No.RJ-28-P-0982, the appellant fell down from the Bus and was crushed under the tyre of the Bus and his leg and hands were crushed under the wheel of the Bus.

The submission of counsel for the appellant is that there was 20.75% disability and the certificate of the contractor was to the effect that injured was getting Rs.180/- per day as a skilled worker. The Claims Tribunal awarded Rs.45,000/- considering

20.75% disability while assessing loss of income and other factors and further granted Rs.6,000/- for medical treatment, Rs.6,000/- for nutritious food and for other expenses Rs.6,000/- has been awarded. In all Rs.63,000/- has been awarded. Counsel for the appellant submits that the Claims Tribunal has awarded lesser amount while not properly appreciating the aforesaid relevant facts at the time of consideration of other factors.

I have gone through the award of the Claims Tribunal and further considered the submission of counsel for the appellant.

In my view, when in the present days even a technically qualified person like degree/diploma holder is approximately getting Rs.150/- per day, the Claims Tribunal has rightly not considered the income as Rs.180/- per day as a skilled worker and other relevant factors, which are considered by the Claims Tribunal while assessing loss of income and working capacity awarded lump sum amount for the aforesaid heads as Rs.45,000/- is sufficient and Rs.18,000/- on other heads are also adequate. There is no error in the award.

The appeal fails and is dismissed.

(P.S. ASOPA) J.

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